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ABSTRACT

This booklet provides an overview of charter schools. It is part of a series which attempts to provide stakeholders resources on education-related topics of interest. The text opens with a description of the defining characteristics of charter schools, as well as what is not a charter school. Charter schools are based on the belief that a public school can serve students more effectively when freed from most state and local regulations. The booklet provides a brief history of these schools, starting with the first charter schools founded in Minnesota. It also gives a national overview of the charter-school movement, stating that one-half of all 50 states have passed some type of charter-school legislation, resulting in the opening of over 1,100 charter schools through fall 1998. The document looks at the legislative issues and the general interests that affect charters, along with other considerations, such as multiple sponsors, teacher certification, collective bargaining, funding, and special education. The bulk of the text features a state-by-state profile of the charter-school movement in the northeastern United States and includes contact information. The booklet closes with a list of frequently asked questions. (Contains 36 references.) (RJM)

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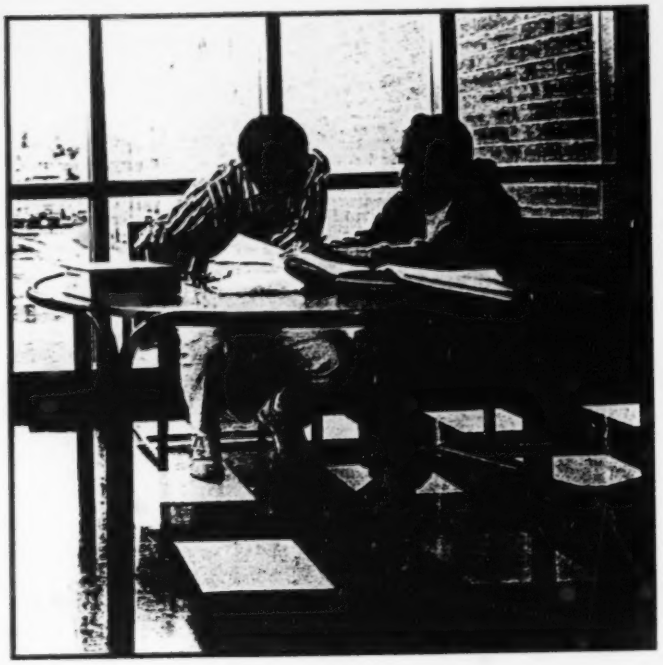
Charter Schools:

The Other Public Schools



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Charter Schools

MARCH 1999

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About This Series

This is another edition in a series of "Themes in Education" booklets produced by the Northeast and Islands Regional Educational Laboratory at Brown University. The topics addressed by these booklets are generated in response to requests for information from practitioners, parents, and other members of the public. Each booklet aims to present a balanced view of its topic and a glimpse of how the approach works in schools. Some discussions may lend themselves to a state-by-state summary; others are illustrated by a series of vignettes which demonstrate the central concepts. For topics that are more global in nature, the booklet will cite a few illustrations within the region or nationally.

The goal of the series is to provide resources containing useful information on education-related topics of interest. Connections to other relevant resources, selected current references, and ways to obtain more information are provided in each booklet.

INTRODUCTION

From humble beginnings in 1991, when the first charter school legislation was signed into law in Minnesota, to the present day where there are over 1,100 open and active charter schools nationwide, the charter school operation has made its mark as a formidable reform movement. At a time when many parents and communities are looking for choices in the education of their children, charter schools are one of the options available.

Each of these small, public schools is established to serve a particular population of students; for example, those who are minority, at-risk, or disadvantaged. There are waiting lists of students to enter charter schools. Where do these schools come from? How do they start? They come from the dreams of parents to set up a school that can address problems they may have with their own children. They begin with a group of teachers tired of the old ways of doing things and who want to be able to go at their own speed and do what they envision as best for kids. They start with risk-takers who have a vision for children and set high standards for achievement. In the process, they become school families free of numerous state and local regulations that slow progress. They become schools that believe they can reach all kids.

Charter schools are public schools that operate free of much bureaucracy and red tape. They are given the autonomy to set their own rules and to do what "is best for their students." However, they are also schools that promise to meet the goal of increased student achievement. These schools must deliver on that promise or lose their charter. Parents and students choose these schools as alternatives to the status quo. Teachers choose these schools because the non-traditional atmosphere allows freedom from the many rules and regulations that teachers see as making schools unresponsive to needs. Small numbers of students, attention from many adults, and the will to make it possible for all students to succeed is what keeps charter schools going.

Charter schools are not the answer to our educational problems; they offer one alternative for attaining the education that we all wish for our children.

What is a Charter School?

We should also make it possible for more parents and teachers to start charter schools, schools that set and meet the highest standards, and exist only as long as they do. Our plan will help America to create 3,000 of these charter schools by the next century—nearly seven times as many as there are in the country today—so that parents will have even more choices in sending their children to the best schools.

—President Clinton, State of the Union address, February 4, 1997

Though the charter school movement is receiving national acclaim as one of the most exciting and promising trends in public education reform, there is still no quick and easy definition of the term "charter school." In legal terms, the definition varies from one state's law to the next, and conceptual definitions often carry some sort of political overtones. However, the basic idea behind charter schools is fairly simple. An authorized public institution, such as a local or a state board, issues a charter to an interested group of educators (e.g., teachers, parents, or, in some states, private companies). This charter, or contract, gives the educators the right to open a school and operate it on their own terms. In exchange for this autonomy, the educators assume full responsibility for their "chartered" school and are held accountable by the issuing body. The educators must attract students, teachers, and parents to their school; they must develop a curriculum; they must take care of financial and building issues; and, most importantly, they must show that the students are learning.

Support for the idea has come from both sides of the political spectrum, from conservative think tanks that view charter schools as a first step toward privatization of the public school system, to liberal education groups that see the new trend as a promising model of reform for the larger public school system. "What seems to unite charter advocates," writes charter schools researcher Eric Rofes, "is a desire for greater parental and community control of schools, a resistance to the bureaucratization of public education, and the expansion of school choice beyond the affluent" (Rofes, 1996, p. 50).

In surveying charter school publications from groups such as the National Education Association, the Education Commission of the States, the Center for Education Reform, and the U.S. Department of Education, five general characteristics commonly are used to define charter schools:

Defining characteristics of charter schools

- *Public*

  The charter school movement is a reform movement in public education. Like all public institutions, charter schools must be non-sectarian, must adhere to state and federal laws, and may not charge admission fees.

- *Independent*

  Charter schools determine their own educational plan, decide how to budget the resources allocated to them, are free to apply for and receive grants and other aid money, and are freed from many state and local education guidelines.

- *Accountable*

  Charter schools must show that they are meeting the goals of their charter and prove financial solvency or face closure. Most charters are issued for a time period between three and seven years, and can be renewed or revoked.

- *Distinct Missions*

  No two charter schools look alike. They are designed to meet the needs of a specific community and are free to determine aspects of pedagogy and discipline policies.

- *Schools of Choice*

  Teachers, parents, and students all choose to work in and with charter schools; no one is "assigned" to them. Many charter schools do not have admission testing (differentiating them from magnet schools) and select students by lottery if and when too many apply.

The charter school idea was born out of the belief that a public school can serve its students, parents, and community more effectively when freed from many state and local regulations. Once the red tape is cleared, say charter school advocates, the innovation begins. As Joe Nathan, author of *Charter Schools: Creating Hope and Opportunity for American Education*, explains, "Hundreds of charter schools have been created around this nation by educators who are willing to put their jobs on the line, to say, 'If we can't improve student achievement, close down our school.' That is accountability, clear, specific, and real" (Nathan, 1996, p. xvi).

What is Not a Charter School

Choice is a design question. You can design a choice plan to do whatever you want. Everyone discussing choice has to decide: (a) What students are eligible? (b) What schools are eligible? and (c) Under what rules do they come together? Everything depends on how you answer those questions. You can create an elitist, segregated system. Or you can create a much more equitable system than the one that exists today.

— Charter school advocate Ted Kolderie, 1990
The States Will Have to Withdraw the Exclusive

More and more people have dismissed the "one-size-fits-all" model of education in favor of a more individualized system in which schools meet the needs of specific student bodies and communities. This trend toward decentralization has been pushed by different groups and has taken different shapes. Many of these shapes can be gathered under the label of "school choice." It is important to distinguish charter schools from other manifestations of the school choice movement, including voucher systems, magnet schools, and site-based management.

A voucher plan, in which a family receives a set amount of money from the state or district to apply toward tuition at any school, be it public, private, or sectarian, differs from a charter school program in many ways. Primarily, a voucher plan allows public money to support private and parochial schools. Charter schools are also supported by public money but must be public, meaning they cannot have a religious focus, and cannot charge tuition (a voucher school could conceivably charge the parents beyond what is covered by the voucher), nor limit admissions by academic performance or previous behavior (Nathan, 1996, p. 6).

Charter schools are different from magnet schools, which often use admissions testing to decide which students will enroll. Magnet schools may spend more public money per student than other public schools. Charter schools, in almost all cases, cannot use admissions tests and are generally expected to run at the same cost (or often below cost) of any other public school (Nathan, 1996, p. 7-8).

In site-based management, some decision-making power of district offices is delegated to faculty members at a particular school. A Phi Delta Kappa Fastback report on charter schools (Mulholland & Bierlein, 1995) explained:

> Charter schools decentralize education in a way that traditional site-based management may not. As autonomous legal entities, charter schools are free to make their own administrative decisions and instructional decisions, and they are held legally liable for them. This arrangement avoids the problems encountered by schools that are site-based managed, but for which the district remains legally liable (p. 9).

A Brief History

The Nation's First Charter School: A Teacher's Vision Becomes Reality

City Academy, in St. Paul, Minnesota, was the first charter school in the nation to open its doors. Founded by two teachers with assistance from many of the first-year students, the school focuses on youth who have dropped out of school. City Academy, placing a heavy emphasis on student responsibility and decision making, is a small school with a personalized learning environment and has had significant success. Most of the students, all former drop-outs, have graduated and gone on to some kind of postsecondary education. Like most charter schools in Minnesota, this school was started "from scratch," rather than converted from an existing school. The school's director is also helping teachers in other states to create charter schools.

—President Clinton's Call to Action for American Education in the 21st Century

As of fall 1998, seven years after Minnesota's pioneering law, charter school legislation has passed or is pending in 34 states, Puerto Rico, and the District of Columbia. Several other states have bills under consideration in their legislatures, making it clear that the charter school movement has become a very popular vehicle of public education reform across the country. But the idea of allowing teachers and parents to form and run innovative, locally-controlled public schools had been around well before the legislation finally appeared.

In the late 1960s and early 1970s, educators across the nation, especially in northern cities, worked to create community-based public schools that would meet the needs of low income and minority students in their neighborhoods (Wells, 1997). Although these schools often encountered resistance from local school boards and others in authority who insisted on maintaining control of the school's actions, the push toward decentralization of public education continued to gain support in the 1980s (Nathan, 1996). Many of the new supporters of local control believed that once governmental regulation of schools decreased, free market principles of supply and demand would force the schools to improve as they "competed" for students (Wells, 1997).

In the mid-1980s, a public school resource group in California tried to propose a bill that would allow teachers to start a new school if parents in that district requested it, but the proposal was never introduced in the legislature (Nathan, 1996, p. 57). In 1988, the educator Ray Budde published *Education by Charter: Restructuring School Districts*, more than ten years after he had first introduced the word "charter" into the educational field. Budde suggested that, just as monarchs used to draft charters with explorers who led expeditions into economically or politically viable lands, school boards might contract with teachers who wished to create innovative and effective educational programs. As the explorers had to report back their findings to the Crown, so would the teachers be held accountable for the outcome of their efforts by the local or state boards of education (Nathan, 1996, p. 63).

Albert Shanker, then-president of the American Federation of Teachers (AFT), popularized the term, and a group

of interested citizens and legislators began working to pass the Minnesota law, succeeding on the second attempt after considerable revision. California followed suit in 1992, and in the three legislative sessions that followed, 23 more states passed some sort of charter school legislation. Statistics are given in the national profile of charter schools. The key issues that have emerged are discussed in the section "Issues Concerning Charter Schools."

National Profile (Fall 1998)

Alaska: 17	Hawaii: 2	New Jersey: 31
Arizona: 271	Illinois: 14	New Mexico: 5
California: 156	Kansas: 15	North Carolina: 59
Colorado: 61	Louisiana: 10	Ohio: 15
Connecticut: 16	Mass.: 34	Pennsylvania: 31
Delaware: 4	Michigan: 139	Rhode Island: 2
DC: 19	Minnesota: 35	South Carolina: 5
Florida: 75	Mississippi: 1	Texas: 60
Georgia: 27	Nevada: 1	Wisconsin: 24
		Total: 1,129

Figure 1. Charter schools in operation or approved to open as of September 1998. Data compiled by the Center for Education Reform from many sources; slight discrepancies may occur.

National Profile

By fall 1998, over 1,100 charter schools had opened nationwide (see Figure 1), increasing from 266 in 1995, and from only 36 in 1993. Moreover, Puerto Rico and seven other states (Arkansas, Idaho, Missouri, New Hampshire, New York, Utah, and Virginia) currently have charter school laws on the books but are still struggling to open their first schools. The Center for Education Reform (1998) indicates that the total student enrollment of charter schools is approximately 250,000 students nationwide, a small percentage of the estimated 46 million students who attend public schools (Education Commission of the States, 1997; Center for Education Reform, 1996). Likewise, the public charter schools in operation today comprise far less than one percent of the nation's estimated 87,000 public schools (Center for Education Reform, 1996).

Purely in terms of numbers, the movement has not had a large, direct impact on the public school system as a whole. However, charter schools have caught the attention of policymakers, leaders, and educators across the nation. The fact that half of the country's states have passed some form of charter school legislation demonstrates the great interest in the idea, as do the following policy events:

- In the 1997 State of the Union Address, President Clinton called for an expanded nationwide charter school program as part of his ten-point plan for improving education (see page 2).
- Congress showed support of the President's idea by appropriating $51 million for fiscal year 1997

to the Federal Charter Schools Program (which was created in 1994 as part of the Improving America's Schools Act). President Clinton asked Congress to allocate $100 million dollars toward the program in 1998 (Tirozzi, 1997, p. 9).

- In 1996, U.S. Secretary of Education Richard Riley issued grants to Puerto Rico, the District of Columbia, and 19 states to "support start-up and development of hundreds of additional charter schools."
- In 1995, the National Education Association set up its $1.5 million Charter Schools Initiative, a study of the potential impacts of charter schools on the public school system (Bradley, 1996).

Legislative Issues

...[A]vailability of non-local board sponsorship or appeal...is considered a vital component in order to get an adequate number of charter schools started.

—Louann Bierlein's analysis of "stronger" components of charter school laws, 1996a

The local school board should have authority to create, approve, and revoke charters.

—National Education Association Action Plan for Shaping Charter Schools, 1995

Researchers and analysts often disagree about the specifics of charter school legislation, but they all agree on one point: drafting a charter law is no easy task. Deciding whether or not to grant local school boards the exclusive right of charter authorization is only one of the many issues that has been debated across the country. The movement is still young (there were no charter schools in the U.S. just seven years ago); researchers have not had time to complete more than preliminary investigations, and legislators often have to weigh many different opinions as they determine what type of charter school will be best for students, communities, and school systems of their state.

The first efforts to create law out of the charter school idea began in Minnesota in 1988, a time when public school choice programs in that state were beginning to prove effective. At the request of the state education commissioner, a group of interested citizens and public officials developed a proposal for a Minnesota charter

school law (Nathan, 1996, pp. 65-66), which, in its original form, included these principles:

- Teachers, parents, and other community members would be able to create new schools, or convert existing schools, upon receiving a charter from an authorized public body. These schools would be public, and as such they would be non-sectarian and would not charge tuition or administer admissions tests.
- The state would grant several organizations the right to sponsor charter schools, withdrawing from local school boards their exclusive right to create and run schools.
- The charter contracts would free participating schools from most state and district policies (which, among other things, would allow the schools to arrange their own employee bargaining agreements). In exchange for this autonomy, the charter would hold the school responsible for improving student achievement.
- Charter schools would receive roughly the same amount of funding as any other public school (Nathan, 1996, pp. 2-4).

The law that was finally adopted in 1991 differed dramatically from this original proposal, due to pressure from teachers' unions and other groups. The legislative battle forced people to consider carefully how a charter school program would reform the school system. Indeed, charter school proposals, like the one originally envisioned in Minnesota, question some very long-standing educa-

tional practices (for example, the idea that all public school teachers should be state-certified). Different groups push for different versions of charter school legislation based on how they want the larger public school system affected.

It is important to remember that there are those who do not support charter schools at all. Yamashiro and Carlos state,

> Opponents claim charter schools will draw resources away from schools that have been successfully operating as part of the regular public school system. They maintain that regulations are not the most significant barriers to effectiveness. A lack of resources, technical support, and access to research on effective practices are considered bigger obstacles to stimulating better schools. Moreover, if and when regulations do in fact hinder school reform, those particular regulations should be analyzed and modified for the whole school system, rather than waived for one particular school (Yamashiro & Carlos, 1995, p. 2).

Another commonly held argument is that charter schools can be elitist, taking the top performing students in the public education system or unfairly bettering the quality of education in those communities that have the most access to resources.

Interestingly, some former opponents of charter schools have joined the movement, but are working to influence legislation that suits *their* ideas on public education reform. The debates have begun, and from online chat sites to teacher staff rooms to congressional committees, people are working to define how far charter school laws

should go. As an introduction to these debates, the LAB has prepared the following list of some of the more heavily debated components of charter school legislation.

■ Multiple Sponsors

Should the local board be the only group allowed to sponsor charter schools? Or should a wide variety of institutions, like state education boards, public universities, and city councils, have the authority to grant and oversee charters?

In favor of multiple sponsors. Supporters of multiple sponsorship contend that if charter schools are to be successful and dynamic instruments of reform, founders must have a variety of potential sponsors available. If a local board is not responsive to an innovative idea, they say, then applicants should have recourse to another responsible institution. Advocates of multiple sponsorship point to New Hampshire (where a 1995 law has yet to produce any charter schools) as an example of too much local authority stifling the growth of charter schools. As Angela Dale from the Center for Education Research writes,

> Many officials of the local school establishment perceive charter schools as a direct threat. They see the reform as a source of competition and sometimes even an indictment of the district's own job of providing quality education. Thus the best program for charters is one that removes the granting process from the local level and alleviates the problem of a politicized review process (Dale, 1995).

Keep authority in the local board. The charter school movement should be seen as an important step toward

reforming the larger system, not as a way of escaping or dismantling it. Advocates of this theory point out that local (or county) boards in California have issued 130 charters, the second-highest number in the nation. "If they are to become central to a whole community's effort to educate its children," writes Marc Millot,

> charter schools must have clear and reliable relationships with community agencies that can authorize charters, guarantee funding, and hold school operators to their promises. Those community agencies, which for the want of a better term we call local school boards, are as essential to a charter-based reform of education as are the groups of teachers, parents, and others who agree to accept charters to operate individual schools (Millot, Hill, & Lake, 1996).

■ Teacher Certification

Should non-certified teachers be allowed to work in charter schools? Or should charter schools be held to the same certification laws as all other public schools?

Bypass the certification burden. According to some charter school advocates, a charter school should be judged on what it produces, not who it employs. "As schools move from an emphasis on inputs and compliance to a focus on results and client satisfaction, their freedom to hire the best candidates is of paramount importance, regardless of the extent of applicants' formal pedagogical training" (Finn, Manno, & Bierlein, 1996). Some states, like New Hampshire, have compromised on this issue, and require that a set number of the teachers in a school have state-approved certification.

Teachers must be certified. For other charter school advocates, public school teachers must be held to a standard of professionalism, no matter where they teach. As the American Federation of Teachers' report on charter schools reads,

> At a minimum, charter school laws should require that teachers employed in charter schools either already have certification or be in the process of obtaining alternative certification. Knowledge and skill in subject areas are critical ingredients in the make-up of a competent teacher, but knowledge and skill in transmitting information, evaluating student performance, and designing strategies for student learning are equally important. (American Federation of Teachers, 1996)

- **Collective Bargaining**

  The question of whether charter schools should be free from the collective bargaining agreements made between local school districts and teachers' unions is often linked to the issue of teacher certification. These agreements, or "master contracts," standardize such decisions as teachers' wages, hours, and working conditions. Should charter schools adhere to district-wide collective bargaining agreements?

Allow more autonomy. Some argue that charter schools should be able to work with their teachers to create the most appropriate terms and conditions of employment. "During the past year," reads a Hudson Institute report, "we repeatedly heard that full command of instructional, personnel, and financial decisions is essential to the success of charter schools." The report

goes on to recommend: "Spare charter schools and their teachers from union–negotiated 'master' contracts" (Finn, Manno, & Bierlein, 1996). Massachusetts is one state that has taken this advice and left the negotiation process to the individual schools.

Maintain the agreement. Proponents of maintaining collective bargaining laws in charter schools are wary that decentralizing employment decisions will create an unfair system of wage and benefit distribution within the public school system. The National Education Association literature adds that

> Charter schools should not be used to subvert or weaken the collective bargaining process; rather they should be viewed as vehicles to expand the possibilities of bargaining into new areas (National Education Association, 1995, p. 14).

■ **Limits on numbers of charter schools**

Should the state legislature limit the number of charter schools that can be formed?

Limits are key. Some policy analysts see charter schools as a "pilot program" that should be explored cautiously until the schools' effect on the public education system is better known. The National Education Association Action Plan states,

> Charter schools are experimental. Very little is yet known about their implications, educationally or otherwise. Limiting the number allows a better opportunity for field testing the idea before wholesale expansion promotes a practice that may not be educationally sound (National Education Association, 1995, p. 6).

No limits on numbers of charter schools. Others argue that early results have proven positive, and the movement should be given the chance to expand to meet the demand for innovation in education. Proponents of lifting caps on charter school growth point to states like Massachusetts, where in 1996 over 3,000 students were on waiting lists to get into existing charter schools, and over a hundred applications for charter schools were rejected.

> The state wants everybody to improve. So the law should expose every district to the possibility that a charter school may appear in its area. . . . [A] state that wants the maximum stimulus to change and improvement will not limit the opportunity for charter schools to appear (Nathan, 1996, pp. 205-6).

■ Funding

Of key importance to the success of charter schools is how they fit into traditional funding schemes for public education. Below are some different funding scenarios that have been proposed:

No public money. Some outright opponents of charter schools do not feel that it is justifiable to spend taxpayer money on charter schools, which they view as experimental. According to Thomas Mauhs-Pugh's collaborative study, charter school opponents often claim that

> [c]harter schools impoverish already financially strapped schools. Charter schools receive a percentage of per pupil expenditures which drains directly from the proposed annual budgets in many public schools. This will further deplete the amount of funding allotted among public schools, possibly requiring termination of teachers, programs, events, etc., lowering the overall academic standards among all public schools (Rael, 1995).

Equal money. As one supporter has stated, charter schools "should get equal funding, not more or less" (Bastian, 1996, p. 47). Legislation that allows for charter schools but does not give them equal per-pupil, building, and start-up funding sends a mixed message. Rejecting the market-based idea that economic pressure will stimulate reform, the National Education Association states,

> In order to be successful and provide an atmosphere of change and reform, charter schools must be adequately funded, but that funding should not come at the expense of the public schools. Charter schools should not be set up in such a way as to create a punitive relationship with traditional public schools (National Education Association, 1995, p. 14).

Money "follows" the pupil. The most commonly suggested funding scheme is where the district or state transfers a per-pupil sum to the individual charter school. This per-pupil cost can be calculated based on the cost of educating one student in that district or that state. Because per-pupil revenue often comes from a different purse than funds for building aid, technical assistance, and other resources, this scheme challenges charter schools to "do more with less." Some believe that if a charter school can succeed with less taxpayer money than a traditional school, the public school system will feel pressure to reform and cut unnecessary bureaucratic costs.

A compromise in Massachusetts. In Massachusetts, the state legislature implemented a "follow the pupil" funding structure.

> [T]he average cost per student is calculated for every school district, and that sum is deducted from a district's state aid for all of its students who

enroll in a charter school. The same amount is then given to the charter school. As a result, charter schools receive no more than the average amount school districts spend per student (Massachusetts Department of Education, 1997, p. 3).

However, the legislature also installed a three-year plan that reimburses districts for some or all of the state aid money lost to charter schools, hoping that this would mitigate the sudden loss of state funds. The Hudson Institute offers the following commentary on these reimbursement plans:

> This provision, of course, constitutes added costs for states while possibly easing the economic pressure for schools to improve in order to retain students. On the other hand, such a cushion mitigates funding losses to students (and staff) who remain in the traditional system.

■ **Socio-economic Inequity**

Should charter school laws be designed to discourage segregation? To what extent?

Skewing the laws. Eric Rofes offers important criticism when he states, "While Minnesota and California point to a few inner-city charter schools serving poor communities of color, at this stage in the movement there are few examples of charter schools successfully integrating previously segregated communities. Like most public schools, charters appear to be overwhelmingly white or overwhelmingly of color" (Rofes, 1996, p. 51). However, dismissing early studies as inconclusive, Wells pointed out in April 1997 that "...sufficient data about the racial makeup of students in charter versus non-charter schools

across the country is not yet available" (Wells, 1997, p. 16). She and other researchers highlight the importance of creating charter schools that reach out to the low-income and minority students and communities that are traditionally most underserved by the public education system. Heavily emphasizing the role that the federal government has played in school desegregation since the 1950s, Wells states that

> [a]n argument could and should be made at the federal level for charter school reform to include some redistributive element that would help skew the benefits of these laws in favor of students who have the least in terms of private resources and parental support and guarantee that the greatest advantage would be targeted toward these students and their communities (pp. 17-18).

More regulation unnecessary. A recent *Education Week* article reported that although many are concerned with possible segregating effects of charter schools, "...proponents say enrollment figures to date show that charter schools as a whole are racially diverse" (Schnaiberg, 1997c). The Hudson Institute Report (1996) states

> Nearly all charter laws identify minorities and other "special" or "at-risk" populations as preferred students for such schools. We conclude that this progressive intent of the law is being achieved. Consider these facts: 63 percent of the students in our sample [35 schools in seven states] are members of minority groups (compared to 34 percent in conventional public schools in these seven states), and more than half are eligible for free or reduced-price lunches (compared to

slightly over 33 percent in conventional schools in our sample states).

Thus, Hudson researchers and others believe charter school laws do not need to include additional special provisions to address socio-economic concerns.

■ Special Education

Should charter school legislation be written to specifically address the needs of special education students?

Evidence of a poor record. In recent Congressional testimony, Tim Sindelair (1997) argued that, in Massachusetts, "fundamental difficulties exist in the delivery of appropriate special education services in charter schools." A recent *Education Week on the Web* article (Schnaiberg, 1997b) reported similar findings in Arizona and California, putting in doubt the ability or willingness of many charter schools to meet the needs of students with disabilities. As Sindelair warns,

> ...in the rush to be innovative and creative, it is important that our children with disabilities are not overlooked or excluded. Charter schools must include all children if they are going to offer models of any value. In order to do so effectively, charter schools must be careful and deliberate in planning and execution, and include children with disabilities at all steps. It is likewise important for our law makers to take all steps necessary to assure that the rights of children with disabilities will be protected in these new public schools.

A Different Take. Others believe that charter schools must be given time and space to make individual adjustments that will meet the needs of special education

students. "Public policy doesn't have to solve everything, and particularly you don't have to write it all in law or regulation," Dr. Ted Kolderie, a leading charter school proponent, said. "It's OK to just leave it to people to work out in a common-sense way, and I think that's the situation with special ed." In addition, he said, "compliance with existing special education rules does not always bring good educational results" (Schnaiberg, 1997b). The Hudson Institute takes a similar stance, backing up their reports with evidence that charter schools enroll a higher proportion of special needs students or are meeting with some initial success in developing creative ways to serve them (which include adjusting school practices, meeting extensively with parents to create a learning plan, or contracting with the larger school district to procure services).

The way that policymakers choose to address these and other issues determines the nature, and to some extent, the success of each state's law. The laws vary greatly in the northeast region, as is shown in the following section. To let the reader draw his or her own conclusion, we have tried to provide the most accurate and up-to-date information about the manifestations of each state's law. However, we encourage readers to research more about charter school laws before drawing conclusions about what is a "good" or "bad" law, and about what will work for an individual state. To this end, we have provided an extensive list of research papers, contacts for each state, and informative books and articles that discuss charter schools.

A State-by-State Profile of the Charter School Movements in the Northeast

The following is a description of the status of charter school legislation for states in the northeast. Connecticut, Massachusetts, New Hampshire, New York, and Rhode Island have passed legislation pertaining to charter schools. Maine and Vermont currently have none.

CONNECTICUT

Connecticut's law was signed in June 1996, and the state's first 12 charter schools opened in the fall of 1997. These first charter schools enrolled some 1,175 students statewide, and varied greatly in philosophy, pedagogical techniques, size, and student population. In 1998, five more schools were added to the charter school roster.

About the law

Charters may be issued to existing public schools or to applicants who wish to create new schools.

The law allows the state board of education to issue five-year, renewable charters to establish 24 charter schools throughout the state. A charter may be granted to an existing public school that wishes to convert, in whole or in part, to charter status with the approval of their local school board. These are "local charter schools." Charters can also be issued to applicants who wish to create entirely new schools that will be approved and funded directly by the State Board of Education. These are "state charter schools."

Connecticut is working to lift charter limits.

Recent legislation has lifted many of the limits placed on charter school enrollment, location, and numbers. The original 1,000 total population cap for state charter schools has been removed, although for the 1998-99 school year the state budget will pay for no more than 1,500 students. Similarly, the limits on the number of charter schools in each congressional and school district has been lifted. Each state charter school may enroll a maximum of 250 students, a mandate which does not apply to local charter schools.

The law allows for a broad applicant pool.

The list of eligible charter applicants in Connecticut includes institutions of higher learning; local or regional boards of education (or a consortium); regional educational service centers; any person, association, corporation, organization; and any combination of the above. By law, proposals submitted by (or in conjunction with) public or private institutions of higher education receive preference. No private school may apply for a charter, nor may a charter school be established for home instruction.

All teachers need some form of certification, and state charter schools can do their own contract negotiations.

At least 50% of the teaching staff in a charter school must be certified through Connecticut's "regular route" for teacher certification. The remaining teachers may be certified through the "alternate route" or hold an interim certificate.

Teachers employed by a state charter school may elect an exclusive bargaining agent to represent them in collective bargaining negotiations with the governing council of

the state charter school. Teachers employed by a local charter school are members of and subject to the collective bargaining agreement of the school district in which the local charter school is located. However, the local charter school employees and the governing council may vote to modify the district agreement in order to make it applicable to their particular situation.

Local charter schools negotiate their funding with the local board.

Though local school boards are expected to cover transportation costs (unless other arrangements are made), neither state nor local charter schools receive state funds for start-up or facilities costs. The legislature is currently considering an amendment that would address the latter of these costs by making charter schools eligible for capital financing. For operating funds, a local charter school must stipulate in their charter proposal the amount of funding they wish to receive from the local board, usually on a per-pupil basis. State charter schools, on the other hand, automatically receive 105% of Connecticut's per-pupil foundation level.

Charter schools might be a way to address socio-economic inequity.

The most recent Connecticut legislation strives to promote the establishment of schools which are culturally diverse in both student body and faculty. In an effort to gear charter schools toward the most underserved populations, legislators mandated that the State Board of Education give preference to charter school applicants that will serve students from one of Connecticut's "priority school districts," those districts in which 75% or more of the enrolled students are members of racial or ethnic minor

ties. Moreover, following the 1996 *Sheff vs. O'Neill* ruling, Governor Rowland's Educational Improvement Panel recommended charter school expansion as part of a statewide plan to address inequity and racial isolation in the public educational system. In a response paper to the panel's recommendations, the plaintiff in *Sheff vs. O'Neill* predicted that an expanded charter school program would make only a "minimal" contribution to "quality integrated education" in Connecticut.

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Maine

In accordance with Chapter 62 Resolve from 1997, the State Board of Education's School Choice and Charter School Study Committee submitted its report to the legislature in January. No legislative action was taken on the issue during the 1998 legislative session.

About the Effort

Representative Al Barth of Bethel reintroduced Legislative Document 1080 in the 1997 session, "An Act to Establish Public Charter Schools."

Contents of the bill.

Representative Barth's bill would allow local school boards to sponsor charter schools; this includes assuming the financial burden of that school (meaning the district would pay to the charter school at least the average per-pupil tuition for that district). An existing public school could apply for charter school status if the teachers and administration were to vote do to so and if the conversion is approved by the local superintendent and school bo[illegible] Moreover, local school boards would be allowed to contract with a public body, private person, or private organization to form a charter school in their district.

Issues at stake.

Randy Walker, a representative from the Maine Department of Education, gave testimony on Representative Barth's bill on March 12, 1997, in which he declared himself neither for nor against the bill. Though he stated that the bill was "timely" and recommended further

of the charter school concept, Mr. Walker wrote, "We are not sure that exempting charter schools from certification requirements, school approval requirements, etc., is fair to the other public schools that must meet those requirements yet still compete with charter schools."

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Massachusetts

The Education Reform Act of 1993 carried the Massachusetts Charter Schools Initiative into law. Five years later, all of the 25 charters that are allowed by the law have been issued and are in operation.

About the Law

The state board of education is the sole charter authority.

A wide variety of applicants, including two or more certified teachers, and ten or more parents, may work in conjunction with institutes of higher learning, museums, or other similar entities to submit a charter school application. Public schools are not precluded from applying for charter status, but private and parochial schools are. The sole authority for reviewing applications and granting charters now rests with the state board of education. A recent amendment to the legislation limits future charter applicants to nonprofits and gives preference to applications from low-performing districts or schools.

Charter school growth is checked by three types of caps.

Like many states, Massachusetts law limits charter school growth in three ways. First, the total number of charters that can be issued is capped at 25. Second, no more than five charter schools can operate in either Boston or Springfield, and no other city or town can have more than two. Finally, no more than three-fourths of one percent of the total number of students attending public schools in Massachusetts can be enrolled in charter schools. Legislative efforts to lift or eliminate caps on the number of schools and on student enrollment have not been successful to date, though the 1997 legislature

considered amendments that might raise the cap on the number of charter schools to 50 while allowing up to three percent of all public school students to attend charter schools.

Charter schools are flexible in their hiring.

Although all charter school teachers participate in the state retirement system, the law does not require that they be state certified. Moreover, each school decides its own conditions and terms of employment, and charter school teachers can decide whether or not they wish to unionize.

Money "follows" the students from their district to the charter school.

For each pupil that it enrolls, a charter school receives a sum of money equal to the average per-pupil expenditure of the district in which that pupil resides (in the 1996-97 school year, the state paid an average of $6,073 per charter school student). This money is diverted from state aid funds from the pupil's resident district. An amendment in 1995 allowed these funds to flow directly from the state to the schools. To compensate for the loss in state aid revenue, the legislature has set up a program to fully or partially reimburse affected school districts (depending on the financial status of that district).

Charter schools have the option to either use the district's transportation system or receive funding to set up their own system of transportation (e.g., purchasing subway passes for all of the students).

A statistical profile shows that many minority students are enrolled in charter schools.

The law does not state explicitly that charter schools must serve any certain type of student population or

community, and nine of the 25 charter schools have a student population that is at least 90% white. On the other hand, 18% of the students in charter schools are Hispanic and 23% are black (compared to 9% and 8% statewide). Moreover, 11 of the schools serve predominantly disadvantaged or at-risk youth, and 93% of all charter school students come from regular public schools (Massachusetts Department of Education, 1997).

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New Hampshire

New Hampshire's charter school law, passed in 1995, reflects the state's long-standing tradition of localizing government power. As of May 1997, there were no active charter schools, though serious efforts are underway to establish some. In 1998, three schools applied but none have opened.

About the Law

Each local district must approve the charter school idea.

Unlike the legislation in many other states, New Hampshire's law does not generically authorize charter school programs for the entire state. Rather, it allows any school district to authorize a charter school program if it votes to do so. Thus, before any applicant can even apply for a charter, the local school district must first decide whether or not it wishes to host charter schools in its district.

Each charter school must be approved by the local board, the state board, and local voters.

Once a district has voted to authorize charter schools, any nonprofit organization (a college, university, museum, etc.), a group of two or more certified teachers, or a group of ten or more parents may apply to the local school board for a charter. An existing public school may apply to be a charter conversion school if a majority of its prospective teachers vote to convert, and if both the principal and school superintendent approve in writing. (In school districts with only one school, two-thirds of the prospective teachers must approve.)

Either type of application (new or conversion) must be approved by the local school board, then by the state board of education, and finally by local voters.

Rejected applicants can appeal to the state board, but must ultimately win local approval.

If a local school board denies a proposed charter, the applicant may appeal to the state board of education, which reviews the application and makes a final decision. However, if the local decision is overturned, the charter that is granted by the state board must still be ratified by the school board or city council before the school may open.

Student enrollment in charter schools is limited by the individual districts.

Currently, the state board of education can grant up to ten charters per year in New Hampshire. Limitations on student enrollment are determined at the local level, for each school district must decide the percentage of its students that will be permitted to attend charter schools within and outside of that district.

Money follows students from the districts to the charter schools.

Specifically, the funding schemes depend on the type of charter school (converted public school or new school) and on whether or not students cross district lines. When a student attends a charter conversion school in her resident district, the district pays the school the same per-pupil tuition that it pays any other public school. When a student attends a new charter school in his resident district, or any charter school outside of his district, the

resident district pays the charter school at least 80% of its prior year's per-pupil tuition. Charter conversion schools are eligible for school building aid while new charter schools are not. All charter schools are responsible for designing and funding reasonable systems to transport pupils that reside outside the hosting district. Charter school students who remain within their district are provided the same transportation as public school students.

Half of the teachers must be certified.

At least 50% of the teachers that the board hires must hold a New Hampshire certificate or have at least three years of teaching experience, and the teachers have the right to form separate bargaining units. According to the law, at least 25% of the parents of attending students must serve on the charter school's board of trustees. This board is responsible for operating the school and maintaining the terms of the charter, and is considered a separate public employer.

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New York

In December 1998, the New York legislative leaders passed a law authorizing charter schools in the state of New York. New York had been one of a small number of states with no legislation, although several bills had been introduced in previous sessions. Governor George Pataki has been a strong proponent of charter schools in the face of opposition from the state school boards' association, Chancellor Rudy Crew of the New York City public schools system, and the state and city teachers' unions.

About the Effort

The new legislation for New York authorizes 100 new charter schools statewide and the conversion of unlimited existing schools. Conversion schools must be approved b both the local district and the parents or guardians of a majority of the students attending the school. In addition, the staff at these facilities will be covered by the union contracts of the former districts. Newly formed schools with 250 or more students will have to be unionized, although schools with a smaller population will not be affected. Schools may hire up to 30% uncertified teachers to fill the classrooms. The law prohibits the conversion of private schools to charter schools, as well as the formati of new schools controlled by religious groups.

Applicants for a charter school may request a five-year, renewable charter. To establish a charter school, an application may be submitted by teachers, parents, school administrators, community residents, or any combination of these. The application may be filed by a single entity or

in partnership with a college, university, museum, educational institution, or not-for-profit corporation. There are three avenues for approvals available: local school officials, the state board of regents, or the trustees of the State University of New York (SUNY). Schools approved by districts must also have the approval of the New York education governing body, the state board of regents. However, charters approved by SUNY require no additional approval. Of the 100 charters available, half (50) are reserved for SUNY and the other half for local and state boards.

There are some in the state who are unhappy with the new legislation. Among them is the Rev. Floyd H. Flake, a former Democratic U.S. Representative who runs an elementary school in New York City. However, Rev. Flake hopes that this passage of legislation is just the beginning and that changes will occur in the future to permit a wider array of charter school models. Union leaders and public school officials are concerned about the drain of dollars from the city schools. On the other side, Governor Pataki in his State of the State address stated,

> The creation of charter schools in New York represents perhaps the single greatest change to our educational system in this century. We're giving parents a freedom long denied them—the freedom to choose where their child can get the best possible education within the public system.

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Rhode Island

In 1995, the Rhode Island General Assembly passed into law a charter schools bill that was heavily influenced by the Rhode Island Federation of Teachers and considered by many national experts to be "weak." During the 1998 legislative session, the Rhode Island General Assembly passed a revised bill that appears to be more in line with what is characterized as "strong" charter school legislation.

About the Law

Applications may come from outside the system.

Rhode Island charters can be granted to existing public schools, groups of school personnel, public school districts, and nonprofit organizations. However, non-public organizations need to show that they "have existed for at least two years and exist for a substantial reason other than to operate a school." In addition, groups of school districts may jointly submit a charter school application, as may colleges and universities within Rhode Island. The law prohibits applications from private or parochial schools.

Charter applications—conversion or new—require teacher and parent support.

An existing public school can apply to convert to a charter school after at least two-thirds of the current teaching personnel and a majority of the parents or guardians of the current student population (with one vote cast for each student) have approved the charter. Similarly, to create a new charter school, an applicant must first

demonstrate that at least two-thirds of the projected teaching staff desire to work at the school, and that at least half of the parents of eligible children would send their children to the school.

School professionals are entitled to a two-year leave of absence from their school to work in a charter school and can extend that leave for an additional two years. The professional may return to work in the school district in the position vacated or in a comparable position, and the leave will not be treated as an interruption of service for purposes of seniority or retirement.

Charter school applications are considered by the local school board and the state commissioner.

All applications must be submitted simultaneously to the local school committee and the state commissioner of education. Either the commissioner or the local school committee can recommend approval to the board of regents. Charter school approval for establishment or continuation shall be granted by the board of regents for a five-year period. The charter can be revoked at any time for violations.

Charters must specify variances and waivers from the normal rules and regulations.

Rhode Island's law differs from many other states' charter school laws in that it does not issue a blanket waiver from most state and district policies. Instead, a charter application must describe and justify any desired variances and waivers from state statutes, state regulations, and school district rules. As a result, unless a waiver is granted, teachers work under the same employment agreement as all other public school teachers in that

district. Moreover, all charter school administrators and teachers must be certified by the state.

Charters are limited in number and by student enrollment.

The Rhode Island Board of Regents of Elementary and Secondary Education is authorized to grant up to 20 charters of either type (newly-created or conversion). "At least ten of the twenty total charters shall be reserved for charter school applications which are designed to increase the educational opportunities for at-risk pupils." Moreover, the schools that are created cannot serve more than 4% of the state's school age population.

"At-risk" students are targeted.

Of the 20 charters that can be issued, ten must be granted to set up schools that will increase educational opportunities for "at-risk" pupils in Rhode Island.

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VERMONT

Currently, Vermont has passed no legislation allowing for the establishment of charter schools. Although legislation has been proposed repeatedly and been somewhat successful in the Vermont Senate, it has met with no success in the Vermont House. Senate Bill 91, carried over from 1997, establishing a charter school program in the state, failed to be enacted.

About the Effort

Senator Jeb Spaulding, formerly the chair of the education committee in Vermont's legislature, has introduced charter school proposals in past sessions, but the House has yet to approve a bill. After the Vermont Supreme Court declared the educational finance system unconstitutional (the *Brigham* case), education became a primary concern in 1997. The charter school idea was considered and rejected by the education committees in both the House and Senate as they drafted proposals for finance reform. Little attention was paid to Senator Spaulding's latest charter school bill (Senate Bill 91, introduced with Senator Ide).

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Frequently Asked Questions

Q. *Why are charter schools started?*
A. Most charter schools have been created recently to provide an alternative method of schooling or to serve a specific population. Many existing schools that apply for charter status are looking for relief from regulations and bureaucratic procedures.

Q. *What types of students are typically served by charter schools?*
A. There is no typical charter school. The reasons for formation vary dramatically and hence the population of students that they serve vary as well. In broad terms, charter schools mirror the communities they serve. On the average, charter schools are 51 percent white; 25 percent Hispanic; 14 percent black; 6 percent Asian; 3.5 percent American Indian/Alaskan native. The majority of charter school students are from California and Arizona (Lane, 1998).

Q. *How do charter schools select their students?*
A. Evidence from the study undertaken by the U.S. Department of Education collected via visits to 42 sites, interviews, and focus groups revealed that of those schools surveyed, 74% reported that applications for admission exceeded capacity. A majority of the schools report using a lottery system, first-come, first-served, or a combination of the two. Just under 10% used some "other" practice.

Q. *How are charter schools different from other public schools?*

A. Charter schools generally offer teachers and staff greater decision-making authority than most public schools. The schools are freed from many state and local regulations, but in return are held accountable for their results.

Q. *Do charter schools take money away from public schools?*

A. Charter schools *are* public schools. As students move from a traditional school to a charter school, the money still goes to fund their education and provide services. It would be the same effect as the student moving from one community to another.

Q. *What happens if a school is not meeting expectations?*

A. The legislation varies from state to state. However, most laws require charter schools to operate under a time-limited, performance-based contract which specifies student achievement goals, standards, or outcomes.

Q. *What are the barriers to implementation?*

A. While there are many barriers to any new endeavor, those that plague charter schools include lack of start-up funds for capital expenditures and other one-time expenses, inadequate planning time, locating and securing a suitable site, and general operating funds.

Q. *What are the barriers to success?*

A. Major barriers include the formation of a governance structure, teacher burnout, and lack of a clear and shared vision.

Conclusion

This booklet provides a definition of a charter school, the history of the charter school movement, issues that confront school reform efforts, and contact information for each of the northeast states.

Each state that has passed charter school legislation has its own special provisions. Some states have very strong laws that set criteria that encourage the establishment of charter schools; others have laws that merely give lip service to this concept and provide little in the way of assistance. There are two states with no legislation at all.

The number of charter schools is increasing dramatically. Parents and teachers have latched onto this concept with a passion that has not been seen in education circles in many decades. Reasons for establishing charter schools vary from the desire to provide services to special populations to establishing a learning environment free from many constraining regulations, but with the goal of improved student achievement. Charter schools have not been in existence long enough to determine the effects on student achievement, but several studies have assessed their relation with other public school demographics. A few schools have done their own studies and several are beginning to show some measure of academic success.

As a community of learners, we are trying to identify successes and isolate the reasons for these successes. Not all charter schools will be successful. But many will thrive and provide insight into the techniques and conditions needed for good teaching and learning.

How Do I Get More Information?

For more information about charter schools or other publications in this series, contact the Information Center of the LAB at Brown University at (401) 274-9548 (x256) and ask for Eileen Ferrance or e-mail to <Info@lab.brown.edu>.

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Additional Resources

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Internet Resources

http://www.nwrel.org/charter/charterresearch.html
The U.S. Department of Education's Charter School site

http://csr.syr.edu/
An interactive and current site devoted to the topic of charter schools, with information on the charter schools listserv, an interactive bibliographic area. Extensive listings of resources, and several bulletin boards for discussion.

http://www.uscharterschools.org/
U.S. Charter Schools Web site

http://www.edexcellence.net/
The Thomas B. Fordham Foundation

http://www.edreform.com/charters.htm
The Center for Education Reform

http://www.aasa.org/Issues/currentissues.htm
The American Association of School Administrators

http://carei.coled.umn.edu/CharterSchools/links.html
University of Minnesota: Charter School Resources

The Northeast and Islands Regional Educational Laboratory
A Program of The Education Alliance at Brown University

Adeline Becker
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